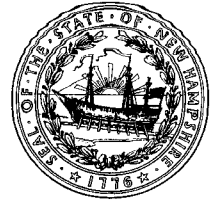




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
SP 06-009

June 23, 2006

Arthur & Andrea Day
251 Dan Quarry Rd
Lynn, MA 01904

RE: DES Wetlands File #2005-01039, 33 Chosen Vale Ln, Enfield

Dear Mr. & Mrs. Day:

On June 9, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Enfield Tax Map 10A as Lot 71, common land owned by the North Village Lot Owners Association (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411.

During the inspection and further file review, the following deficiency was documented:

1. A well distributed stand of trees was not maintained along an approximately 83 foot section of shoreline on the common land, directly opposite Lot 46. DES documented 6 stumps along the immediate bank and an additional 2 stumps approximately 28 feet from the shoreline.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified environmental consultant and include provisions for establishing a well distributed stand of saplings and trees adjacent to the cleared section of bank on the Property. Additional observations by DES personal suggest the presence of jurisdictional wetlands immediately landward of the shoreline in the subject area on the property and therefore, you are requested to hire a NH certified wetland scientist to delineate any wetlands in the area of proposed restoration. The proposal for restoration should include provisions for any potential work in wetlands jurisdiction. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 - (1) The species of plants proposed for replanting;
 - (2) The number and distribution of plants proposed for replanting;
 - (3) The basal area of the trees proposed for replanting;
 - (4) The existing trees remaining within the natural woodland buffer, if any; and

- (5) The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). DES requests tree replacements be a mix of 2" to 3" caliper, randomly spaced on the property, from the list of New Hampshire native and naturalized species that do well in wet soils (copy enclosed);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified wetland scientist or qualified environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B and RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

A handwritten signature in black ink, which appears to be 'Collis G. Adams', is written over a large, bold, black 'COPY' stamp. The signature is cursive and somewhat stylized.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 6129

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Enfield Conservation Commission
Enfield Board of Selectmen
USACOE
North Village Lot Owners Association